

question will not be disturbed by the courts if supported by evidence."

Although the foregoing cases deal with domestic shipments, the rule is the same with respect to export shipments. At some point the railroad obligation ends and whether the shipment is consigned for delivery to an industry or a steamship pier, the party entitled to receive the shipment may terminate the railroad obligation by interposing to take possession. The courts have applied the rule to pier deliveries. *Interstate Commission v. Hoboken R. Co.*, 320 U.S. 368; *Jarka Corporation of Baltimore v. Pennsylvania R. Co.*, 130 F. (2d) 804.

IV. No Conflict is Presented With *United States v. Interstate Commerce Commission*, 198 F. (2d) 958.

The decision in *United States v. Interstate Commerce Commission*, 198 F. 2d 958, involved an order of the Commission denying a claim of the Army for payments with respect to wharfage and unloading services on traffic moving over certain piers in Norfolk during World War II; the order was addressed to circumstances that differed in a number of significant respects from those in the case at bar. The United States Court of Appeals for the District of Columbia set aside the Commission's order in that case on the ground that the order was not supported by adequate findings. Upon remand, the Commission took further evidence, made findings to remedy the deficiency found by the Court of Appeals, and dismissed the Complaint. *United States v. Aberdeen & Rockfish R.R. Co.*, 294 I.C.C. 207.

In the instant case, the Commission concluded that there are substantial differences between this proceed-

IN THE
Supreme Court of the United States

October Term, 1955

UNITED STATES OF AMERICA, Appellant,

v.

**INTERSTATE COMMERCE COMMISSION AND
UNITED STATES OF AMERICA.**

**On Appeal From the United States District Court for the
District of Columbia**

MOTION TO AFFIRM

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